

# **Town of Rockport Planning Board**

## **Meeting Minutes**

**Thursday, July 22, 2021 – 5:30 p.m.**

Geoffrey A. Parker Conference Room

Rockport Opera House

Meeting Televised on Channel 22

Streamed on Livestream.com

**Board Present:** Chair Joe Sternowski, John Viehman, Victoria Condon, David Pio, Thomas Laurent.

**Board Absent:** Carter Skemp, Mark Hanley

**Staff Present:** Planner and Community Development Director Orion Thomas, Videographer Bruce Hilsmeier, and Recording Secretary Regan Crowe.

Chair Sternowski Called the meeting to order at 5:30 p.m. with a quorum.

### **Item # 2: Approval of Minutes**

The board could not establish a quorum for the approval of minutes and decided to postpone their authorization.

**Item # 3: Consideration of a Pre-Application for a U.S. Cellular Tower to be located at Vinal Street, Rockport, ME. Map 17 Lot 049-001. This property is in**

**zone district 908. The owner of the property is Kathleen Salminen Bailey and is being represented by Bob Gashlin from KJK Wireless.**

KJK Wireless 4, on behalf of U.S. Cellular and represented by Bob Gashlin, presented their preliminary site plan to the board. The stated reason for constructing a new tower was the lack of adequate coverage in the area outline on the site plan. The applicant walked the board through the Preliminary Site Plan submitted and answered questions posed by board members. The Applicants recommended multiple photo locations which would comply with the Town of Rockport's Photo Simulation Requirements. In addition, the applicants addressed any scenic and environmental impacts and demonstrated that various elements of the plan reduced much of the impact potential.

There was discussion surrounding Section 809 Wireless Telecommunication Facilities of the Land Use Ordinance, specifically Section 809.4 Standards. The board discussed whether the proposed site plan complied with Section 809.4 and if the board could grant a waiver for this issue. The Applicant cited the 1996 Telecommunications Act in defense of their noncompliance with ordinance Section 809.4.

It was determined by the board that to approve the current application would require a change in Section 809.4 of the Land Use Ordinance. Chair Sternowski advised the Applicant that the board would be compelled to reject a final application if it did not comply with the ordinance section 809.4. He also determined that the board could not grant waivers. He recommended that the applicant consult with Mr. Thomas for further guidance. The Board approved the recommendations for photo simulation given by the applicant to satisfy Section 809.

David Pio asked if U.S. Cellular had considered an alternate location where the applicants could co-locate with another mobile carrier. The applicant stated that no existing towers would provide the needed service.

Mr. Viehman asked a clarifying question as to the quality of existing service in the area. To the best of their knowledge, the applicant believed that little to no service exists in the given area.

Ms. Condon asked if other carriers would be allowed to add a service tier in the future. The applicant stated that the tower would not exceed the limits approved on the application without further board approval. In addition, any future co-locators would be required to place their structures below the existing carrier.

Chair Sternowski addressed standing and required that the applicant had legal proof of standing when applying for a final site plan review.

Mr. Viehman asked if the applicant planned to notify the abutters; the applicant stated they intended to comply with the ordinance in this respect.

**Item # 4: Consideration of amendments to Land Use Ordinance Chapter 700 and Chapter 405 by the Ordinance Review Committee.**

The Board addressed Section 405 and 700 of the Land Use Ordinances. Chair Sternowski suggested that the Zoning Board of Appeals give feedback on section 700. He also felt that some town documents should be condensed into a single document as some conflict with each other. He stated that Sections 701-703 are also in the ZBA by-laws and are mostly redundant. The Board did not have any other significant concerns with Section 405 or 700.

**Item # 4: Consideration of amendments to Land Use Ordinance Chapter 700 and Chapter 405 by the Ordinance Review Committee.**

The Board addressed Section 405 and 700 of the Land Use Ordinances. Chair Sternowski suggested that the Zoning Board of Appeals give feedback on section 700. He also indicated that certain town documents be condensed into a single document as some conflict with each other. He stated that Section 701-703 are also in the ZBA by-laws and are mostly redundant. The Board did not have any other significant concerns with Section 405 or 700.

Richard Remsen recommend the Land Use Ordinance must be specific regarding pesticides used at Solar Farms.

**Item # 5: Other Business**

- A. Chair Sternowski addressed current covid concerns and the safety of board members, assuring all board members they could bring forward any concerns in the future.
- B. The ORC asked that the board look at Section 700 of the Land Use Ordinance and provide input about any changes or clarifications. Chair Sternowski asked that board members look over Section 600 for any recommendations they might have for future discussion.
- C. Introduction of the New Recording Secretary, Regan Crowe.

**Item # 6: Adjournment**

**Motion:** Mr. Viehman Moved to adjourn, seconded by Ms. Condon. **Carried**

**5-0-0** The meeting adjourned at 6:38 p.m.

Respectfully Submitted,

Regan E. Crowe

Recording Secretary